

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE:** : Chapter 13  
**Thomas, Keith B.**  
**Thomas, Shirvell M.**  
**Debtors/ Respondents : 16-10651 elf**

**Answer to Motion of  
For Relief from Automatic Stay**

Debtors, Keith B. and Shirvell M. Thomas by and through their undersigned attorney, hereby provides the following answers to the Motion for Relief from Stay filed by NewRez LLC d/b/a Shellpoint Mortgage Servicing (Movant). These responses are made without prejudice to debtors' right to present additional facts or contentions based upon information hereinafter obtained or evaluated. Debtors specifically reserve the right to supplement or amend their responses or present additional facts and contentions at a later date to any of the answers given.

1. Denied. The averments contained in this Paragraph consist of mischaracterization or summarization of documents that speak for themselves and they are denied as no response is required.

2. Denied. The allegation is a legal conclusion of law to which no answer is required.

3. -7. Denied. The averments contained in these Paragraphs consist of mischaracterization or summarization of documents that speak for themselves and they are denied as no response is required. To the extent an answer may be appropriate, the allegations are denied, and the debtor aver, on the contrary, that a mortgage servicing company with no beneficial interest in the underlying mortgage does not have standing to file a motion for relief from the stay. See *In re Morgan*, 225 B.R. 290(Bankr.E.D.N.Y.1998), *vacated on other grounds sub nom. In re Nunez*, 2000 WL 655983 (E.D.N.Y. Mar. 17, 2000).

8. Denied. The averment contained in this Paragraph consist of mischaracterization or summarization of documents that speak for themselves and they are denied as no response is required

9. Denied. Strict proof is hereby demanded.

10. Denied. Debtors can neither admit nor deny the allegations because Debtor has no personal knowledge of the accuracy of such statement. Strict proof is hereby demanded.

11. Denied. The allegation is a legal conclusion of law to which no answer is required.



12. Denied. Strict proof is hereby demanded.
13. Denied. The allegation is a legal conclusion of law to which no answer is required.
14. Denied. Federal Bankruptcy Rule 4001(a)(3) states "*Stay of Order. An order granting a motion for relief from an automatic stay made in accordance with Rule 4001(a)(1) is stayed until the expiration of 10 days after the entry of the order, unless the court orders otherwise.*" Rule 4001(a)(3) is one of the few protections left for the debtor's from unscrupulous creditors that would seize the debtor's property prior to the debtor or debtor's counsel being served notice of said Order to the contrary or otherwise.

For the reasons set forth above, among others, and based on this Court's authority under the Bankruptcy Code, the Debtors pray that the motion be denied, and such other relief as is just and proper. The Debtors specifically reserve the right to supplement the answer at or prior to the hearing thereon.

Dated: January 21, 2020

"/s/" Mitchell J. Prince  
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